

46 Am. Jur. 2d Judges § 96

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Judges

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IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

2. Interests as Grounds for Disqualification

b. Particular Interests as Grounds for Disqualification

(1) Pecuniary or Property Interest

§ 96. Disqualification of judge who is debtor to party or estate

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West's Key Number Digest

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Generally, a judge who is indebted to a party is not qualified to hear a case involving that party.¹ A judge who is a debtor of an estate is interested and is therefore disqualified to hear matters relating to the estate.²

Observation:

Putative class members do not constitute parties to the proceedings under a statute requiring the recusal of a judge who knows he or she has a financial interest in a party to the proceeding.³

Footnotes

- 1 [State ex rel. Ferrell v. Heckemeyer](#), 629 S.W.2d 642 (Mo. Ct. App. S.D. 1982) (in a lawsuit where the shareholders and officers of a corporation were parties, it was necessary for the judge to recuse himself absent a written agreement of the parties and lawyers that the financial interest of the judge was insubstantial, where the judge was indebted to the corporation for the purchase of equipment and if the corporation dissolved he or she could become a debtor to one or more of the individual parties to the action).
- 2 [State ex rel. Parker v. Vosloh](#), 222 Ind. 518, 54 N.E.2d 650 (1944).
As to the interest of a judge in an estate as grounds for disqualification, see § 106.
- 3 [MDCM Holdings, Inc. v. Credit Suisse First Boston Corp.](#), 205 F. Supp. 2d 158 (S.D. N.Y. 2002).

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